

June 14, 1996

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
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REPORT AND DECISION ON AN APPEAL FROM SEPA THRESHOLD DETERMINATION

SUBJECT: Department of Development and Environmental Services  
File Nos. **S91P0025, L95AC011 & L95SH146**  
Proposed Ordinance No. **96-421**

**CEDARWOOD**  
Preliminary Plat Application  
Conditional Use Permit Application  
Shoreline Substantial Development Permit Application  
Appeals of SEPA Threshold Determination  
(Combined Public Hearings)

Location: 14207 SE Renton-Maple Valley Highway; generally located between Renton-Maple Valley Highway and SE 159th Place (if extended) and between 149th Avenue SE (if extended), south-east of the Cedar River, along east side of 140th Way SE

Applicant: Cedarwood Group  
14410 Bel-Red Road, #140  
Bellevue, WA 98009  
Represented by:  
Richard Wilson, Attorney At Law  
Hillis Clark Martin & Peterson  
1221 Second Avenue, #500  
Seattle, WA 98101-2925

SEPA Appellant: Cedarwood Group  
14410 Bel-Red Road, #140  
Bellevue, WA 98009

SEPA Appellant: Richard Barrett  
25050 - 164th Avenue SE  
Kent, WA 98042

PRELIMINARY MATTERS:

Plat application (revision) submitted:	October 3, 1995
Conditional use permit application submitted:	October 3, 1995
Shoreline substantial development permit application submitted:	October 3, 1995
Department Preliminary Report issued:	May 26, 1996

EXAMINER PROCEEDINGS:

Pre-Hearing Conference:	May 23, 1996
Hearing Opened:	June 6, 1996
Hearing Closed:	June 7, 1996

Participants at the proceedings and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- ◆ Historic sites
- ◆ Surface water drainage
- ◆ Public facility mitigation

FINDINGS, CONCLUSIONS, RECOMMENDATION & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer: Cedarwood Group  
14410 Bel-Red Road, #140  
Bellevue, WA 98009  
(206) 649-8668

Engineer/Surveyor: Hugh Goldsmith & Associates, Inc.  
P.O. Box 3565  
1215 - 114th Avenue Southeast  
Bellevue, WA 98009  
(206) 462-1080

STR: NW & SE 22-23-05  
Location: generally located on the south side of SR 169 (Maple Valley Highway) between 140th Way SE and 150th Avenue SE (if extended); the associated SDP is west of 140th Way SE on the south side of Maple Valley Highway at the existing WSDOT drainage outlet to the Cedar River

Zoning: R-6  
Acreage: 73.5  
Number of Lots: 96 single-family lots (division 1 & 2)  
146 multi-family units (Tract A/division 3)  
Density: 3.2 dwelling units per acre  
Typical Lot Size: ranges from approximately 5,500 to 7,000 square feet  
Proposed Use: single-family detached & multifamily  
Sewage Disposal: Cedar River Water & Sewer District  
Water Supply: Cedar River Water & Sewer District  
Fire District: King County Fire District No. 40  
School District: Renton District No. 403

2. The Applicant proposes to subdivide 73.5 acres into 96 single-family residential building lots on two tracts, and 146 multi-family condominium units on a third tract. Using KCC 21A.34 provisions which allow residential density incentives for providing "affordable housing" (in this case, only one unit) the Applicant proposes an overall development density of 3.2 dwelling units per acre. The multi-family parcel is proposed to be developed through conditional use permit.

As a consequence of the development proposal, a shoreline substantial development permit application is required in order to review the Applicant's proposed drainage system which includes replacement of an existing 18-inch stormwater pipe with a new 36-inch pipe with an out-fall terminating at the ordinary high water mark of the Cedar River.

Consequently, the proposed development requires three approval actions:

- A. Preliminary plat approval by the Metropolitan King County Council for the 96 lot single-family residential subdivision;
- B. Conditional use permit to authorize development of the 146 multi-family condominium development; and,
- C. Shoreline substantial development permit (SDP) for the proposed placement drainage pipe out-fall at the Cedar River edge.

Copies of the proposed land development and drainage system are attached to the Department of Development and Environmental Services (DDES or the "Department") preliminary report to the Hearing Examiner, dated June 6, 1996 (Exhibit No. 2). A copy of Exhibit No. 2 will be attached to those copies of this Examiner's report which are forwarded to members of the Metropolitan King County Council for final action on the proposed subdivision.

3. On April 23, 1996 the Department issued a mitigated threshold determination of nonsignificance (MDNS) for the proposed development. That is, the Department issued its determination that, if certain mitigating measures were enacted, the proposed development would not cause probable significant adverse impact upon the environment and there-fore would not require preparation of an environmental impact statement (EIS). The mitigating measures are contained in Exhibit No. 5 (MDNS dated April 23, 1996), and are also restated on pages 3 and 4 of Exhibit No. 2.

The mitigating conditions require development of a wet pond to specified standards: a car wash pad for the condominium portion of the project; additional drainage requirements (including a drainage pipe line and roof downspout infiltration/dispersion systems); a 310-foot sight line in order to maintain street side views of the Elliott Farm historical homestead; and, landscaping installed in a manner which will screen views of the multi-family portion of the proposed development when viewed from the east (from historic Elliott Farm).

4. Two timely appeals from the MDNS were filed:

- A. Richard Barrett, the last resident of the adjacent Elliott Dairy Farm (designated by the King County Landmarks Commission as a historic landmark), challenges the accuracy of the historic landmark boundaries used by the Applicant and the Department, and challenges the adequacy of mitigating measures established by the Department. Appellant Barrett seeks recognition of landmark parcel boundaries which are significantly larger than acknowledged by the Department and the Applicant (approximately 9 acres versus approximately 6 acres). In addition, he supports the establishment of a 200-foot wide view corridor across the proposed multi-family parcel frontage, rather than the 310-foot deep triangular area the Applicant and Department agree upon, to be located at the far east end of the multi-family portion of the proposed development.
- B. Applicant Cedarwood Group also appealed the MDNS; however, the Applicant and the Department have reached agreement regarding that appeal. This agreement is reflected in the Department's recommendation to amend SEPA mitigating measure No. 4. This amendment is attached to this Examiner's decision.

In its preliminary report to the Examiner (Exhibit No. 2) the Department recommends modifying Condition No. 4 in a manner consistent with the berm and fence provisions contained in the May 5, 1996 memo from the Historic Preservation Office (HPO). The Applicant submits Exhibit No. 31, illustrating the Applicant's understanding of the recommended (modified) MDNS Condition No. 4. The Department accepts Exhibit No. 31 as an appropriate illustration of the recommended modification to MDNS Condition No. 4.

- 5. Appellant Barrett's challenge to the MDNS addresses both procedural and substantive concerns. The procedural concerns and the findings which are relevant to them follow:
  - A. This Appellant argues that both the Cultural Resources Division manager and the SEPA responsible official relied upon erroneous information; specifically, that they did not rely upon a "refinement" survey conducted by the Parks Division as a measure undertaken to implement the Landmarks Preservation Commission designation decision on the neighboring Elliott Farm.
  - B. In the Landmarks Commission's decision at issue, the commissioners (operating as a quasi-judicial body) adopted a map and legal description for the Elliott Farm landmark. The Commission apparently did not know the actual acreage of the property, but assumed that the portion to be designated as a historic landmark was approximately 5 acres. (Although the verbatim record does not reflect absence of acreage accuracy at the time the Commission acted, PHO Kohler nodded her head as if to say "yes" when the Examiner orally indicated this interpretation during the hearing.) The legal description which they adopted, however, comprises 6.07 acres.

The following advice follows the legal description contained in the Landmarks Commission's designation report: "See map attachment A. Legal description to be refined by King County Parks Division surveyor." The "refinement" survey, if that's what it was, comprises over 9 acres, with the boundaries following an irregular form unlike that described by either the legal description or the map contained in the designation report. Appellant Barrett indicates that this irregular pattern is due to the following language contained in the final designation decision:

...The boundaries of the designated parcel were reduced from the originally proposed 15 acres to approximately 5 acres immediately surrounding the farm buildings and include the remnant orchard, ornamental plantings, and some open field associated with the farm. The commission felt that the 5 acres was sufficient to provide an adequate visual context for the farm buildings...

Although the Commission also regarded the adjacent pastureland as "valuable as a scenic corridor" associated with the farm, that additional pastureland was not actually designated. The Appellant contends that the 9+ acre Parks Division designation map "refines" the original 5 acre designation by including the remnant orchard, oriental plantings and some open field associated with the farm.

- C. The Landmarks Commission decision was recorded with King County records as required by ordinance. The Parks Divisions' 9+ acre designation interpretation was not. Nor was the Parks Division drawing/map noted before the Commission. In essence, then, it became a Cultural Resources Division in-house document without any formal public adoption, recognition, or recording. The Cultural Resources Section, that County agency which is assigned code responsibility for implementing the Landmarks Commission's decisions, agrees that the drawing should not be given weight.
- 6. Based upon the concerns recited in the foregoing Finding, the Appellant argues further that the proposed development will constitute a significant adverse impact upon the environment; specifically, upon the Elliott Farm landmark. The basis of this allegation is provided by the Parks Division interpretive/refinement drawing/map/survey. If that document is accepted as the official designation action or duly authorized implementation of that action, then it would follow that the proposed development encroaches upon the

designated landmark area, and that the view corridor pro-posed by the Applicant (and recommended for approval by the Department) would not be properly located. In response, the Applicant argues that the doctrine of collateral estoppel should be applied to bar Mr. Barrett's challenge. Also, the Applicant argues that, citing case law, that a clear legal description can not be contravened by other evidence. The Applicant further argues that the mitigating measures for-mulated by the Department's staff comply with SEPA requirements and that there is no adopted SEPA policy which the County can properly use to expand the mitigation measures required of Cedarwood on the Elliott Farm landmark. Thus, the Applicant argues, the Examiner has no authority to impose further SEPA mitigation in the absence of cited adopted SEPA policy.

7. Pursuant to an agreement reached between the Applicant, the Department, and King County Fire Protection District No. 40 (the "District"), proposed Tract N is to be set aside as a potential emergency vehicle site. Tract N is located in the southwestern corner of the site. That agreement provides the District 5 years to purchase a portion of the tract at fifty per cent of fair market value of the property. In the event that it is not purchased by the District, the tract will revert to permanent open space.

The Department does not object to this future development tract, but observes that the "issues associated with the proposed manned emergency vehicle site (i.e. access, sight distance, drainage, etc.) will be reviewed with the future permits." The District asks that it be exempted from any future SEPA review (except for special studies specifically related to site development if necessary), arguing that the SEPA determination for the entire Cedarwood development should also apply to Tract N. The District has limited financial resources, it argues, and would benefit as a tax payer supported public agency if a costly SEPA review were avoided. The District would accept a proviso that would require special environmental studies when necessary should any specific issues relating to the District's development of the property become necessary. The District suggests that such a requirement could be provided as an "addendum to the final SEPA determination."

8. Section D.5 of the Department's June 11, 1996 Preliminary Report to the King County Hearing Examiner (Exhibit No. 2) cites the scope and standard of review to be considered by the Examiner. The Division's summary is correct and will be used here. In addition, the following review standards apply:
  - A. WAC 197-11-350(1), -330(1)(c), and -660(1)(3). Each authorize the lead agency (in this case, the Environmental Division), when making threshold determinations, to consider mitigating measures that the agency or applicant will implement or mitigating measures which other agencies (whether local, state or federal) would require and enforce for mitigation of an identified significant impact.
  - B. RCW 43.21C.075(3)(d) and KCC 20.44.120 each require that the decision of the Responsible Official shall be entitled to "substantial weight". Having reviewed this "substantial weight" rule, the Washington Supreme Court in Norway Hill Preservation Association v. King County, 87 Wn 2d 267 (1976), determined that the standard of review of any agency "negative threshold determination" is whether the action is "clearly erroneous". Consequently, the administrative decision should be modified or reversed if it is:

...clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order.

9. Any portion of any of the following conclusions which may be construed as a finding is incorporated here by reference.

#### CONCLUSIONS:

1. The Applicant's SEPA threshold determination appeal should be dismissed for the reasons indicated in Finding No. 5B, above. The doctrine of collateral estoppel is not applied here. First, while the Appellant may have been a party of record at the time this matter was reviewed by the Landmarks Commission, it is unclear that he was actually a "party" to the proceeding. Rather, looking to the Commission's designation report, his involvement was no more than that of an interested person. Second, because of the confusion stirred by the unofficial unrecorded and unnoted Parks Division survey or boundary map, the issue is not precisely the same as the issue which came before the Landmarks Commission. While it is wrong to give the Parks Division boundary map credence there is sufficient room for argument to bring the matter before a quasi-judicial review such as this one.
2. The Parks Division boundary map does not control. It can not preempt or supersede the legal description adopted by the Landmarks Commission, particularly when it was never brought to the Commission for review and was never recorded. KCC 20.62.070.E makes clear that the governing legal description must be recorded with the Commission's designation report or amendment. This conclusion is the same as that taken by the Division of Cultural Resources. See Exhibit No. 26B and Finding No. 5C, above. As the agency assigned the responsibility for administering King County's landmarks preservation ordinances, including the ordinance provisions which are relevant here, the Cultural Resources Section's position is given appropriate weight.
3. Putting aside the argument addressed in Conclusion Nos. 1 and No. 2, above, we are compelled to reject the Appellant's substantive arguments. While there is certainly valid reason for concern regarding the impacts

In view of the entire record as submitted, and in view of the State Environmental Policy Act, the Department's decision is not clearly erroneous and is supported by the evidence.

4.
- There is no indication in the hearing record that the Department intended "phased review" as provided by WAC 197-14-060 with respect to proposed Tract N future development. In fact, the Department indicates that the issues associated with Tract N development have not been sufficiently well defined, let alone analyzed sufficiently for environmental review for some future Fire District No. 40 development. At first blush, it is difficult to imagine that the development now contemplated by the District would generate impacts of a magnitude which would require an EIS. On the other hand, it is also clear that the review of specific impacts which might be generated by such development does not exist in this hearing record. The District's request simply comes too late in this review process to give any meaning to the concept of phased review. For these reasons, the District's request (as described in Finding No. 7, above) will be rejected.

DECISION:

1.
- The Applicant's SEPA threshold determination appeal is DISMISSED. The Division's recommended amendment to MDNS Condition No. 4 is accepted and adopted as indicated in the Order set forth, below.
2.
- For the reason's indicated in conclusion Nos. 1 through 3, above, the SEPA appeal presented by Richard Barrett is DENIED.
3.
- The King County Fire District No. 40 request to waive SEPA threshold determination for the development of Tract N is DENIED.

ORDER:

The SEPA threshold determination (mitigated) issued by the Department on April 23, 1996 is AFFIRMED and binding, EXCEPT that MDNS Condition No. 4 is revised as indicated in Exhibit No. 32, a copy of which is attached to this report and decision and which is conceptually illustrated by Exhibit No. 31 of this hearing record. In all other respects the appealed MDNS remains in effect unchanged.

ORDERED this 14th day of June, 1996.

R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 14th day of June, 1996, to the following parties and interested persons:

Chuck Adams WSDOT 900 - 4th Avenue Seattle, WA 98104	Bellevue, WA 98004  M/M Ed Bowden 3939 SE 10th Place Renton, WA 98055	PO Box 58053 Renton, WA 98058-1053 Grtr Maple Valley Area Council PO Box 101 Maple Valley, WA 98038
Rosemary Allison Cedar Rv.Water/Sewer District 18300 SE Lake Youngs Road Renton, WA 98058	Anil Butail Terra Associates, Inc. 12525 Willows Road #101 Kirkland, WA 98034	Robert Johnson Hugh G. Goldsmith & Associates PO Box 3565 Bellevue, WA 98009
Aqua Barn Ranch 15227 SE Maple Valley Highway Renton, WA 98038	Cedarwood Group 14410 Bel-Red Road #140 Bellevue, WA 98007	George Kresovich, Attorney Hillis Clark Martin Peterson 1221 Second Avenue #500 Seattle, WA 98101
Richard L. Barrett 25050 - 164th Avenue SE Kent, WA 98042-5232	Trish Cements Hugh G. Goldsmith & Assoc.Inc. PO Box 3565 Bellevue, WA 98009	Patrick Lennon Lennon Investments, Inc. 14410 Bel-Red Road #200 Bellevue, WA 98007
H.C.G. Benist 16012 - 133rd Place SE Renton, WA 98058	Darvin Curtis 15010 - 135th Avenue SE Renton, WA 98058	Barbara Loomis KC Landmarks&Heritage Comm. 304 - 8th Avenue West
Victor Bishop Trans.Planning&Engineering 2102 - 112th Avenue NE	Fairwood Greens HOA	

Kirkland, WA 98033	Darrel Offe 13932 SE 159th Place Renton, WA 98058	Audrey Williams 13411 SE 151st Renton, WA 98058
Fred Lorenz 14900 - 135th Avenue SE Renton, WA 98058	Gordon Phares 15432 - 139th Avenue SE Renton, WA 98058	Richard Wilson, Attorney Hillis Clark Martin Peterson 1221 Second Avenue #500 Seattle, WA 98101
Ron Norton 15040 - 135th Avenue SE Renton, WA 98058	William Rash 13908 SE 155th Place Renton, WA 98058	King Co.Fire Dist. #40 Stanley Moe, Fire Marshall 14810 SE Petrovitsky Rd. Renton, WA 98058
	Evan Roberts 13901 SE 156th Street Renton, WA 98038	King Co.Fire Dist. #40 Sandy Haydock, Fire Inspector 14810 SE Petrovitsky Rd. Renton, WA 98058
	Maurice Studebaker 13411 SE 159th Place Renton, WA 98058	King Co.Fire Dist. #40 Kinnon Williams, Attorney 14810 SE Petrovitsky Rd. Renton, WA 98058
	John Taylor 9221 South 202nd Street Kent, WA 98031	
	Tom Uren, Engineer Hugh G. Goldsmith & Associates PO Box 3565 Bellevue, WA 98009	
	Ron Wendt 15416 139th SE Renton, WA 98058	

Ann Bickle, Surface Water Management Division  
Kim Claussen, DDES/LUSD, Site Plan Review  
Peter Dye, DDES/LUSD, Engineering Review  
Robert S. Gruhn, KC Landmarks & Heritage Commission  
Rich Hudson, DDES/LUSD, SEPA  
Jon Hansen, DDES/LUSD, Site Development Services  
Julie Kohler, Historic Preservation Officer  
Tom Koney, Metropolitan King County Council  
Michaelene Manion, DDES/LUSD, Site Plan Review  
Aileen McManus, Dept. of Trans., Traffic & Planning  
Mark Mitchell, DDES/LUSD, Site Plan Review  
Paulette Norman, Dept. of Trans., Traffic & Planning  
Lisa Pringle, DDES/LUSD, Site Plan Review  
Larry West, DDES/LUSD, Site Development Services  
Bruce Whittaker, DDES/LUSD, Engineering Review  
Charlie Sundberg, Cultural Resources Division

MINUTES OF THE JUNE 6, 1996 AND JUNE 7, 1996 COMBINED PUBLIC HEARINGS ON LAND USE SERVICES FILES NO. S91P0025 (Preliminary Plat Application), L95AC011 (Conditional Use Permit Application), L95SH146 (Shoreline Substantial Development Permit Application), AND APPEALS OF SEPA THRESHOLD DETERMINATION - CEDARWOOD:

R.S. Titus was the Hearing Examiner in this matter. Participa-ting at the pre-hearing conference on May 23, 1996 were George Kresovich/Attorney At Law (representing the Applicant), Richard Barrett/Appellant, Kim Claussen/DDES-LUSD-Site Plan Review, Rich Hudson/DDES-LUSD-SEPA, and Bruce Whittaker/DDES-LUSD-Engineering Review. Participating at the hearing on June 6, 1996 were Richard Wilson/Attorney At Law (representing the Applicant), Richard Barrett/Appellant, Barbara Loomis/KC Landmarks & Heritage Commission, Tom Uren/Hugh G. Goldsmith & Associates, Kinnon Williams/Attorney At Law (King County Fire District #40), Stanley Moe/Fire Marshall (King County Fire District #40), Sandy Haydock/ Fire Inspector (King County Fire District #40), Ron Norton, Robert Johnson/Hugh G. Goldsmith & Associates, Anil Butail/Terra Associates, Inc., Victor Bishop/Transportation Planning & Engineering, Inc., Chuck Adams/WSDOT, Julie Kohler/Historic Preservation Officer, Kim Claussen/DDES-LUSD-Site Plan Review, Rich Hudson/DDES-LUSD-SEPA, and Bruce Whittaker/DDES-LUSD-Engineering Review. Participating at the hearing on June 7, 1996 were Richard Wilson, Richard Barrett, Kinnon Williams, Tom Uren, Stanley Moe, Patrick Lennon/Lennon Investments, Inc., Julie Kohler, Kim Claussen, Rich Hudson, and Bruce Whittaker.  
On June 6, 1996 the following Preliminary Plat Application, Con-ditional Use Permit Application, and SEPA

Threshold Determination Appeal exhibits were offered and entered into the record:

- Exhibit No. 1a Department of Development and Environmental Services plat application file No. S91P0025 (two folders)
- Exhibit No. 1b Department of Development and Environmental Services conditional use permit file No. L95AC011
- Exhibit No. 2 Department of Development and Environmental Services preliminary report prepared for the June 6, 1996 public hearing of Cedarwood (plat, conditional use, shoreline & SEPA)
- Exhibit No. 3a Plat application, dated October 3, 1995 (in DDES file No. S91P0025)
- Exhibit No. 3b CUP application, dated October 3, 1995 (in DDES file No. L95AC011)
- Exhibit No. 4 Cedarwood preliminary plat environmental checklist, dated received/October 3, 1995
- Exhibit No. 5 Mitigated Determination of Nonsignificance for the Plat of Cedarwood, dated April 23, 1996 (in DDES file No. S91P0025)
- Exhibit No. 6 Affidavit of Posting, indicating May 6, 1996 as date of posting and dated received/May 14, 1996 (in DDES file No. S91P0025)
- Exhibit No. 7a Revised plat map, dated June 5, 1996
- Exhibit No. 7b Revised site pan (CUP), dated September 1995, printed/May 30, 1996 (9 sheets)
- Exhibit No. 8 Land use maps (Kroll): 815E/W, 816W, 820E, 821W (taped together)
- Exhibit No. 9 Assessor's Maps (15 sheets)
- Exhibit No. 10 Preliminary plat of Cedarwood, level one down-stream analysis, prepared by Hugh G. Goldsmith & Associates, Inc., dated September 1995, dated received/October 3, 1995
- Exhibit No. 11 SWM Variance file No. L95V0182/Cedarwood (also attachment No. 2 of exhibit No. 2)
- Exhibit No. 12 Conceptual drainage plan, prepared by Hugh G. Goldsmith & Associates, Inc., dated printed/May 30, 1996
- Exhibit No. 13 Cedarwood geotechnical report, prepared by Terra Associates, Inc., dated September 21, 1995, dated received/October 3, 1995
- Exhibit No. 14 Cedarwood geotechnical addendum report, prepared by Terra Associates, Inc., dated January 16, 1996 (in DDES file No. S91P0025)
- Exhibit No. 15 Cedarwood Wetland Identification/Evaluation/& Delineation Report, prepared by IES Associates, dated September 20, 1995, dated received October 3, 1995
- Exhibit No. 16 Cedarwood Wetland Identification/Evaluation/& Delineation Addendum Report, prepared by IES Associates, dated January 22, 1996 (in DDES file No. S91P0025)
- Exhibit No. 17 Letter, dated May 16, 1996, from Hugh G. Goldsmith & Associates, Inc., to King County Department of Development and Environmental Services, re: site distance
- Exhibit No. 18 Cedarwood Traffic Impact and Access Analysis, prepared by Transportation Planning & Engineering, Inc., dated September 21, 1995, dated received/ October 3, 1995
- Exhibit No. 19 Cedarwood Traffic Impact and Access Analysis Addendum, prepared by Transportation Planning & Engineering, Inc., dated February 1, 1996 (in DDES file No. S91P0025)
- Exhibit No. 20 Cedarwood Traffic Impact and Access Analysis Addendum, prepared by Transportation Planning & Engineering, Inc., dated February 14, 1996 (in DDES file No. S91P0025)
- Exhibit No. 21 Cedarwood Traffic Impact and Access Analysis Addendum, prepared by Transportation Planning & Engineering, Inc., dated April 1, 1996 (in DDES file No. S91P0025)
- Exhibit No. 22 Letter, dated May 9, 1996, from Transportation Planning & Engineering, Inc. (in DDES file No. S91P0025)
- Exhibit No. 23 KCRS Variance request letter, dated May 23, 1996
- Exhibit No. 24a Letter, dated January 18, 1996, from Washington State Department of Transportation, to King County Department of Development and Environmental Services (in DDES file No. S91P0025)
- Exhibit No. 24b Letter, dated March 25, 1996, from Washington State Department of Transportation, to King County Department of Development and Environmental Services (in DDES file No. S91P0025)
- Exhibit No. 24c Letter, dated April 4, 1996, from Washington State Department of Transportation, to King County Department of Development and Environmental Services (in DDES file No. S91P0025)
- Exhibit No. 24d (duplicates 24c)
- Exhibit No. 24e Letter, dated May 16, 1996, from Washington State Department of Transportation, to King County Department of Development and Environmental Services
- Exhibit No. 25 Boundary line adjustment, dated September 12, 1995, prepared by Hugh B. Goldsmith & Associates, Inc.
- Exhibit No. 26 Memos from King County Cultural Resources Division:
  - (26)a dated December 18, 1995, from Charlie Sundberg/Preservation Planner, to Rich Hudson/Environmental Planner
  - (26)b dated April 9, 1996, from Leonard Garfield/Manager, to Rich Hudson/Environmental Planner
  - (26)c dated May 5, 1996, from Leonard Garfield/Manager, to Marilyn Cox, SEPA Chief
- Exhibit No. 27 King County Landmarks Commission Designation Report, dated November 7, 1990, re: final designation of the Elliott farm (in DDES file No. S91P0025)
- Exhibit No. 28a SEPA appeal letter, dated May 8, 1996, from Richard R. Wilson, Hillis Clark Martin & Peterson
- Exhibit No. 28b SEPA appeal letter, dated May 8, 1996, from Richard L. Barrett, with attached SEPA appeal fee invoice
- Exhibit No. 29a Letter, dated May 3, 1996 from King County Fire Protection District #40, to Rich Hudson/SEPA
- Exhibit No. 29b Letter, dated May 15, 1996 from King County Fire Protection District #40, to Rich Hudson/SEPA
- Exhibit No. 30 Department of Development and Environmental Services SEPA file
- Exhibit No. 31 Cedarwood recreation/open space plans, prepared by Hugh B. Goldsmith & Associates, Inc, dated June 5, 1996 (3 sheets)

Exhibit No. 32	Revised SEPA mitigated determination of non-significance Condition No. 4
Exhibit No. 33	Addendum to DDES preliminary report (Exhibit No. 2, above): additional and revised recommendations
Exhibit No. 34	140th Way SE CIP, modified by Hugh G. Goldsmith & Associates, Inc., dated May 23, 1996 (6 pages)
Exhibit No. 35	Aerial photo of Cedarwood site, negative date June 27, 1994
Exhibit No. 36	Aerial photo of Cedarwood site, taken 1974
Exhibit No. 37	Overall site plan, prepared by Hugh B. Goldsmith & Associates, dated May 14, 1996, revised June 4, 1996 (color enhanced)
Exhibit No. 38	Conceptual drainage plan, prepared by Hugh B. Goldsmith & Associates, dated printed/May 30, 1996
Exhibit No. 39	Revised CUP sheet, dated May 22, 1996, (color enhanced)
Exhibit No. 40a	King County landmark registration form, Elliott farm, with attached farm site drawing
Exhibit No. 40b	WITHDRAWN
Exhibit No. 41	Boundary survey of Elliott farm parcel, prepared by King County Natural Resources & Parks Division, dated March 21, 1991
Exhibit No. 42	Elliott farm aerial photo, undated
Exhibit No. 43	Four Elliott farm site photos (on one sheet), prepared and identified by Richard Barrett
Exhibit No. 44	Post rail and fence photo with cattle/Elliott farm, taken approximately 1936
Exhibit No. 45	Cedarwood vicinity aerial photo, undated
Exhibit No. 46	Cedarwood CUP revised site plan, prepared by Hugh B. Goldsmith & Associates, undated
Exhibit No. 47	Chicago Title Insurance Company letter, dated September 26, 1995, re: land deed/Elliott farm property
Exhibit No. 48	Map showing parcel E-3
Exhibit No. 49	NOT ACCEPTED
Exhibit No. 50	Letter, dated June 10, 1996, from Maple Valley Land Associates Limited Partnership, to Linda Daugherty/King County Parks & Recreation
Exhibit No. 51	Assignment of beneficial interest, dated August 12, 1994 (foreclosure action)
Exhibit No. 52	Memorandum, dated January 24, 1996, from Charlie Sundberg/King County Cultural Resources Division, to Rich Hudson/SEPA Section
Exhibit No. 53	Memorandum, dated January 12, 1996, from Leonard Garfield/King County Cultural Resources Division, to Craig Larsen/Parks and Cultural Resources
Exhibit No. 54	Letter, dated June 6, 1996 from King County Fire Protection District #40, to King County Hearing Examiner
Exhibit No. 55	Letter, dated June 6, 1996, from Washington State Department of Transportation, to King County Department of Development and Environmental Services
Exhibit No. 56	Resume, Anil Butail/geotechnical engineer, Terra Associates, Inc.
Exhibit No. 57	Statement of Qualifications, Terra Associates, Inc., consultants in geotechnical engineering
Exhibit No. 58	Resume, Victor H. Bishop/traffic engineer, Transportation Planning & Engineering, Inc.
Exhibit No. 59	Site plan, prepared by Hugh B. Goldsmith & Associates, Inc., dated May 20, 1996 (color enhanced)
Exhibit No. 60	Resume, Thomas M. Uren/professional engineer, Hugh G. Goldsmith & Associates, Inc.

On June 7, 1996 the following Preliminary Plat Application, Conditional Use Permit Application, and SEPA Threshold Determination Appeal exhibits were offered and entered into the record:

Exhibit No. 61	Copy of page 1193, Webster's New World Dictionary, Second College Edition
Exhibit No. 62	Resume, Patrick O. Lennon, Lennon Investments, Inc.
Exhibit No. 63	INCORPORATED BY REFERENCE: Cedarwood, Shoreline/ L95SH146 hearing record Exhibits Nos. 1 through 13

On June 6, 1996 the following Shoreline Substantial Development Permit Application exhibits were offered and entered into the record:

Exhibit No. 1	Department of Development and Environmental Services shoreline permit file No. L95SH146
Exhibit No. 2a	Department of Development and Environmental Services preliminary report prepared for the June 6, 1996 public hearing of Cedarwood (plat, conditional use, shoreline & SEPA)
Exhibit No. 2b	Addendum to DDES preliminary report (exhibit No. 2a, above): additional and revised recommendations
Exhibit No. 3a	Application, dated received/October 3, 1995 (in DDES file No. L95SH146)
Exhibit No. 3b	Complete application, dated and received November 2, 1995 (in DDES file No. L95SH146)
Exhibit No. 4	Cedarwood preliminary plat environmental checklist, dated received/October 3, 1995
Exhibit No. 5	Mitigated Determination of Nonsignificance for the Plat of Cedarwood, dated April 23, 1996
Exhibit No. 6	Affidavit of Posting, indicating April 23, 1996 as date of posting
Exhibit No. 7	Proposed improvement plan, prepared by Hugh G. Goldsmith & Associates, Inc., dated received/October 3, 1996
Exhibit No. 8	Justification - Goldsmith, dated received/October 3, 1996 (in DDES file No. L95SH146)
Exhibit No. 9	Assessor's map, NW 22-23-05
Exhibit No. 10	Washington State Department of Transportation authorization to submit, dated November 2, 1995
Exhibit No. 11	photo, pipe out-fall, dated June 6, 1996, taken by Patrick Lennon
Exhibit No. 12	photo, pipe root/marked to show out-fall pipe, dated June 6, 1996, taken by Patrick Lennon

On June 7, 1996 the following Shoreline Substantial Development Permit Application exhibits were offered and



**Cedarwood/S91P0025**

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entered into the record:

Exhibit No. 13 Potential revisions to Condition No. 7

Exhibit No. 14 INCORPORATED BY REFERENCE: Cedarwood, Preliminary Plat Application/S91P0025,  
Conditional Use Permit Application/L95AC011, and SEPA Threshold Determination  
Appeal hearing record Exhibits Nos. 1 through 62

RST:var

attachment: Revised SEPA condition #4

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